

**REMARKS**

This response amends claims 1 and 9. Support for the amendment can be found, e.g., at page 3, lines 3-16 and tables 1-3 of the present application. Claim 2 has also been amended to correct a typographical error.

At page 2 of the Office Action, the Examiner rejects claims 1-3, 5 and 8-11 under 35 USC 102(b) as being anticipated by Koike (US Patent No. 5,309,419). At page 3, claims 6, 7, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Koike in view of Official Notice. These rejections are respectfully traversed.

Koike does not disclose, teach, or suggest, *inter alia*, the following features recited by claim 1 of the present application:

"(a) determining an optimum recording power corresponding to each of a plurality test speeds being operated, respectively;  
(b) generating a function of speed based on a relationship between the optimum recording power and the corresponding test speed;  
(c) calculating said recording power of the used-desired recording speed by applying said user-desired recording speed in said function of speed; and  
(d) recording the information onto the recording medium by substantially maintaining and applying said recording power when the optical drive is operated at said user-desired recording speed."

Koike discloses a method for recording optical disks. The optimum recording light amounts for all velocities in the rewritable region are

determined by an interpolation or extrapolation processing of the measured optimum recording light amounts at the two velocities. However, Koike does not disclose or suggest that the recording of the information is achieved by "substantially maintaining and applying said recording power when the optical drive is operated at said user-desired recording speed", as recited by claim 1 of the present application.

As shown in Fig. 1 of Koike, the recording process is performed by an optical pickup 5. As shown in Fig. 3 of Koike, the linear velocity is varied when the optical pickup 5 is moving between the inner portion R0 and the outer portion R2. The varied linear velocities lead to the varied recording light amount (i.e. recording power) when the optical pickup 5 moves across recording surface located at different radius. Further, Koike discloses at column 2, line 59 to column 3, line 2:

**"Then the first and second recording light amounts optimized at the first and second linear velocities in the try-to-write region of the optical disk can be obtained by the reproduction means 22, comparing means 23 and optimizing means 25. Also, the values of the recording light amounts at all points in the radial direction in the recordable region are determined by computing means on the basis of the optimized first and second recording light amounts. Therefore, the optimum recording light amount for all points in the user's recordable region of each optical disk can be determined in a relatively short time."**

In other words, according to Koike's disclosure, different radius leads to different linear velocity. And different linear velocity again leads to

different recording light amount(i.e. recording power). This can be confirmed by Fig. 6 of Koike and the relating disclosure at column 7, lines 17-48:

"FIG. 6 shows a curve of the optimum control signal S3 determined by this interpolation processing, or an optimum recording light amount characteristic 30. This shows a functional interpolation between **the optimum recording light amount P1** associated with the optimum control signal S3 determined at the **linear velocity LV01** corresponding to linear velocity LV1 and **the optimum recording light amount P2** associated with the optimum control signal S3 determined at the **linear velocity LV02** corresponding to linear velocity LV2. A curve may be more suitable than straight linear interpolation for certain types of disk, e.g. MO disks with low melting and Curie temperature.

In short, according to this embodiment, when information is recorded on the try-to-write region 4 on the inside of the innermost periphery of the rewritable region 2 of the optical disk 1 in order to determine the optimum recording light amount in the rewritable region 2, the optical disk 1 is rotated at linear velocities LV01, LV02 corresponding to the linear velocities LV1, LV2 at least at two radii, for example, R1, R2 of the rewritable region 2 in the radius direction of the optical disk 1. Under this condition, the optimum recording light amounts P1 and P2 are measured, and the values of the optimum recording light amount at all points within the rewritable region 2 of the optical disk 1 are determined by the interpolation routine 26. Therefore, **the values of the optimum recording light amount for all linear velocities LV** in the rewritable region 2 of each optical disk 1 can be

determined in a relatively short time."

However, according to claim 1 of the present invention, optimum recording powers corresponding to plural test speeds are **first** determined (in section (a)). Then, the function of speed between the both is generated (in section (b)). Said function of speed is utilized by applying the user-desired recording speed to obtain the corresponding recording power (in section (c)). Accordingly, the obtained recording power is applied and substantially maintained when the optical drive is operated at the user-desired recording speed to record the information onto the recording medium. This recording power is applied and substantially maintained even when the optical pickup moves across the recording surface located at different radius as long as the optical drive is operated at said user-desired recording speed.

Official Notice is taken at page 3 of the Office Action. However, it is only related to features in dependent claims 6-7 and 12-13. The limitations of claim 1 are not anticipated or rendered obvious in view of the Official Notice.

MPEP 2131 states that a "claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Under MPEP 2143, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Since the cited references fail to disclose the above-quoted limitations of

claim 1, the Applicants respectfully submit that claim 1 is patentable. Claims 2-3 and 5-8 are patentable, at least by virtue of their dependency from claim 1.

Similarly, claim 9 recites, in part, "a controller ... for determining an optimum recording power corresponding to each of a plurality of test speeds being operated by analyzing the reflected radiation beam to estimate effect of recording information, the controller further fitting the corresponding optimum recording powers versus the plurality of test speeds to generate a function of speed"; and "a determining device, connected to said controller, for calculating the recording power of the user-defined speed by applying the user-desired speed in the function of speed; wherein said apparatus records the information onto the recording medium by substantially maintaining and applying said recording power when the optical drive is operated at said user-desired speed." As discussed above, the cited references fail to disclose or suggest all these limitations. Thus, claim 9 is also patentable. Claims 10-14 are patentable, at least by virtue of their dependency from claim 9.

The Applicants have attempted to address all of the issues raised by the Examiner in the Office Action as the Applicants understand them. The Applicants believe that the application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at [tcai@ladasperry.com](mailto:tcai@ladasperry.com).

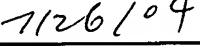
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is

authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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